



Appeal Decision

Site visit made on 1 March 2022

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2022

Appeal Ref: APP/Y3615/W/21/3275952

Land to the east of 164 The Street, West Horsley, Leatherhead KT24 6HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Geoff Atterbury of Hawksmoor Homes Limited against the decision of Guildford Borough Council.
 - The application Ref 20/P/02026, dated 25 November 2020, was refused by notice dated 7 May 2021.
 - The development proposed is erection of five dwellings and associated access and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The address set out in the banner heading is taken from the Council's decision notice and has been confirmed by the appellant as the correct address.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - protected habitats sites.

Reasons

Character and appearance

4. The appeal site is a rectangular plot of paddock land with a long, narrow, grassed access off Little Cranmore Lane. It is located between large residential gardens to properties fronting both The Street and Little Cranmore Lane. The site's eastern boundary marks the edge of the defined settlement adjacent to which there is a public footpath and an open field beyond. These gardens and the appeal site provide an area of transition between the built development and the open and undeveloped countryside on this side of the village. There are many trees and shrubs along this boundary which restrict views into the site. There are several mature trees on other boundaries.
5. The scheme proposes a small development positioned around a central area of hardstanding. The appellant has explained that this has been designed with a hierarchy of building scales and variations in form and style to reflect the range of buildings that might be found within a farmstead courtyard. This comprises a

- pair of semi-detached houses designed as 'workers' cottages', detached 'barn' style development and a 'farmhouse' clustered around a central 'yard'.
6. Nearby development is characterised by detached properties set within spacious plots. The proposed houses would not be as spacious as these and the semi-detached properties would be at odds with development within the immediate vicinity of the site, although such housing is found elsewhere within the wider area. The proposed houses would also be positioned close to each other. In this context, the proposed development would appear at odds with the more spacious development characteristic of its surroundings.
 7. The accommodation within each of the proposed houses would be set over 2 floors with the first floor accommodation partially built into the roofspace. This would reduce the overall bulk of the proposed dwellings. Surrounding development is a mix of bungalows, one and a half and 2-storey properties of varying ages and heights. Within this context, the proposed buildings would not appear uncharacteristic. However, due to the relatively small size of each of the individual plots, the proposed houses would appear large within their plots compared to nearby development. This would make the proposed development appear cramped within the plot.
 8. The farm courtyard design would go some way to explain this higher density of development. However, this does not overcome the limited size of the gardens in comparison to the proposed houses which would be uncharacteristic on the transitional village fringe where development is typically set away from the rural edge by long rear gardens. Although there are examples of properties with a closer relation to the rural edge of the settlement, such as Oak Tree Cottage some distance north of the appeal site, this type of development does not form the predominant character of the village edge. Whilst such development may add to the character, it seems to me that for this to be repeated too often would fundamentally alter the way the built form of the village transitions into the rural landscape beyond. It does not therefore provide justification for the scheme as proposed.
 9. The scheme has been designed to set the buildings away from the more sensitive settlement edge by locating the larger properties and gardens closer to this boundary. The appellant has sought to maximise the garden sizes to these plots. However, due to the extent of other development proposed on the site, they are limited in depth compared to nearby development. When compared to other domestic development along this edge of the village which includes tennis courts but few other structures, the proposed houses due to their relatively short gardens would be much closer, bulkier and more prominent. This would provide a much harder and more urban edge to the village, uncharacteristic of surrounding development.
 10. Even with the boundary vegetation retained, I observed that views into the site were possible. The proposed houses with their gardens and other domestic paraphernalia would therefore be visible from the adjacent public footpath with some loss of the semi-rural character along the edge of the village.
 11. The scheme would introduce hard surfacing along the existing access and centrally within the site. This would result in a more stark appearance to the access. Its narrowness would limit the extent to which it could be landscaped, although I observed that there is existing vegetation along one side forming the boundary to the neighbouring plot at La Concha. Long driveways are not

uncommon within the village, with examples locally including Tintells Lane, 104-118 The Street as well as at a recently approved development at Silkmore, Silkmore Lane¹. It seems to me that the appeal scheme would be reasonably similar to these. Furthermore, it would only be visible from public viewpoints directly in front of the driveway and its impact would be very localised. As such, any adverse effects on the character and appearance of the area arising from this would be very limited.

12. The courtyard arrangement in itself is not inappropriate and would require a certain amount of space for vehicle parking and manoeuvring. Its position towards the centre of the site would require the driveway to extend some distance into the site to connect with it. This which would result in a substantial area of hardstanding within the site. Although not widely visible, this would detract from the verdant character of the site and its contribution to the village edge with some limited harm arising from this.
13. The scheme with its farm courtyard design and a hierarchy of buildings utilising a simple palette of materials and adopting the Surrey vernacular style would certainly help to create a sense of place and a bespoke enclave development. In support of this, the appellant has provided references and photographs of similar collections of buildings considered to reflect the farmstead style proposed in the appeal. However, from the details provided these examples appear to be either individual properties with outbuildings or possibly 2 properties. They do not directly compare to the scheme before me which would comprise 5 individual properties with their own parking areas, driveways and gardens all in close proximity to each other. These features would make the buildings read as individual properties and the scheme would not be comparable to the examples put forward by the appellant.
14. Nonetheless, I accept that it is appropriate to create places with their own sense of place and in some respects the appeal scheme would do so. However, this would not overcome the harm that would arise in this location from the amount, the proximity and prominence of development close to the settlement edge, out of keeping with its transitional and semi-rural character.
15. The design of the scheme has been geared towards smaller units in response to the Council's concerns both in its pre-application advice as well as raised on other schemes, in particular a refusal at Land at Britains Farm, 42 The Street² where the provision of larger units was considered to provide an inappropriate housing mix. I acknowledge that in providing smaller housing it would not be unusual for smaller plot sizes and to provide larger plots sizes would fail to achieve a balanced housing mix. However, this does not justify the introduction of a cramped form of development on the edge of the village where it would be out of character.
16. My attention has been drawn to recently approved developments on the edge of the settlement, notably a development at land south of Champney Cottage, Cranmore Lane allowed on appeal³ and the Silkmore Lane scheme.
17. The Champney Cottage scheme was a cul-de-sac development comprising a reasonably high density of development set within modest plots. Unlike the

¹ Council Ref: 20/P/00139

² Council Ref: 20/P/00346

³ APP/Y3615/W/19/3241724

appeal site, this site is adjacent to a built-up cul-de-sac to its west characterised by semi-detached development with modest and narrow plots. The Inspector in that appeal considered this provided an abrupt edge to the settlement with Cranmore Lane forming a strong boundary to the village edge. There was also development adjacent to the site and a road which differs from the setting of the appeal site. As such, the Champney Cottage scheme does not directly compare to the appeal scheme and does not provide justification for the proposed development.

18. The Silkmore Lane development lies on the eastern edge of the settlement with open fields beyond. It comprises 4 detached houses on the rural edge of the village, with development to the north and south. The proposal in that case provided a form of development not dissimilar to existing development to the east fronting Silkmore Lane, with properties set back within their plots providing an appropriate transition between the built up area and open countryside. The setting is therefore materially different to the appeal site where there is little in the way of development either side. Moreover, the scheme before me would result in a significantly more cramped form of development that would fail to reflect its immediate surroundings which again differs from the Silkmore Lane scheme.
19. Interested parties have referred to the harm arising from the proposal not providing an appropriate transition to the edge of the Green Belt. However, the appeal site is outside of the Green Belt and Green Belt policy would not apply.
20. I conclude that the proposed development would cause harm to the character and appearance of the area. It would therefore conflict with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2019 (the LPSS) and Policy WH2 of the West Horsley Neighbourhood Plan 2018 which together require new developments to respond and reinforce locally distinct patterns of development, including landscape setting, to have regard to the important relationship between the built development and the surrounding landscape in villages and to provide built forms that help maintain an appropriate transitional edge to the village. It would also not accord with the National Planning Policy Framework which add to the quality of the area and are sympathetic to local character.

Protected habitats sites

21. The appeal site lies within the 400m and 5km buffer zone of the Thames Basin Heaths Special Protection Area (the SPA). This is protected as a European Site of Nature Conservation Importance and is subject to statutory protection under the Conservation of Habitats and Species Regulations 2017. Regulation 63 prevents the competent authority from granting permission unless the proposal would not adversely affect the integrity of the European site. I am the competent authority for the purposes of this appeal.
22. The Council has determined that additional residential development would, in combination with other plans and projects, have a significant effect on these protected sites through increased recreational use of the SPA. In these circumstances, the Council considers that appropriate mitigation would be required. This is set out in the adopted *Thames Basin Heaths Special Protection Area Avoidance Strategy 2017 Supplementary Planning Document* which provides a framework by which applicants can provide or contribute to Suitable Alternative Natural Green Space (SANG) within the borough which along with

contributions to Strategic Access Management and Monitoring (SAMM) can mitigate the impact of development.

23. The SPA is a network of lowland heathland sites which provide a habitat for the internationally important breeding bird species of woodlark, European nightjar and Dartford warbler. These are ground-nesting species. The sites conservation objectives can be summarised as avoiding a deterioration of habitats and minimising bird disturbance, thereby ensuring the integrity of the sites is maintained. In order to avoid any such harms, suitable mitigation would be required for new housing development within 5km of the SPA.
24. The appellant has accepted the need to provide a contribution towards both SANG and SAMM through a section 106 Agreement. The appellant has advised that planning permission was refused before this could be agreed. Whilst I note the appellant's position, it was open to the appellant to provide such an agreement as part of the appeal. However, this has not been done. In the absence of such a mechanism, I cannot be assured that appropriate mitigation would be in place to ensure that the development would not have any adverse impacts on the SPA either alone or in combination with other projects.
25. As an alternative to the provision of a Unilateral Undertaking at this stage, the appellant has suggested that a Grampian style planning condition to ensure a means of mitigation is agreed prior to the commencement of development. However, the Planning Practice Guidance advises that a negatively worded condition limiting the development that can take place until an obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases.
26. In the context of this appeal, the absence of details of a scheme, means that I cannot be satisfied in undertaking my duty under the Conservation of Habitats and Species Regulations 2017, that the appeal scheme would not have an adverse impact on the SPA either alone or in combination with other projects. Therefore, in this case, based on the evidence before me, a Grampian condition would not be appropriate.
27. For this reason, I find that the development would therefore fail to comply with Saved Policy NE4 of the Guildford Borough Local Plan 2003, Policy P5 of the LPSS and Saved Policy NRM6 of the South East Plan 2009. These policies together seek to conserve and enhance the natural environment, animals and their habitats and to secure appropriate mitigation to avoid any adverse effects on protected sites.

Other Matters

28. The appeal site is located within the village with good access to the major road network and rail serves. It is also served by bus services. There are no objections to the scheme in terms of highway safety. However, these factors would not outweigh the harm arising from the scheme.

Conclusion

29. For the reasons set out above, I conclude that the appeal should be dismissed.

Rachael Pipkin

INSPECTOR